

### **REMARKS**

The Office Action dated March 18, 2004 has been received, its contents carefully noted, and the applied citations thoroughly studied. At the outset, undersigned wishes to gratefully acknowledge the Examiner's perception of patentable subject matter as it pertains to substantially all claims, except claims 11, 15, and 16. The following remarks when coupled with the revisions to those claims hereinabove should provide the requisite distinction for the Examiner to conclude that patentable merit exists in those claims as now amended. Reconsideration by the Examiner is therefore respectfully requested.

It is believed that the foregoing revisions to the claims are within the metes and bounds of the recently articulated Supreme Court *Festo* case, in that all equivalents susceptible to capture have been retained in that one skilled in the art, at the time of this amendment, could not have reasonably be expected to have drafted a claim that would have literally encompassed any other equivalent.

### **Rejections under 35 U.S.C. §112**


The Examiner has rejected claims 11, 15, and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11, 15, and 16 have been amended in accordance with the Examiner's suggestions.

In view of the foregoing, it is respectfully requested that the Examiner pass this case to issue. If, upon further consideration, the Examiner believes further issues remain outstanding or new ones have been generated, undersigned

respectfully requests that the Examiner call undersigned to expeditiously resolve same.

Dated: August 18, 2004

Respectfully Submitted:

  
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